

PTO/SB/30 (08-00)
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## **REQUEST** FOR **CONTINUED EXAMINATION** (RCE)

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

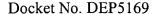
d to respond to a collection of information unless it displays a valid OMB control number.		
Application Number	10/681,473	
Filing Date	October 8, 2003	
First Named Inventor	Moumene	
Group Art Unit	3732	
Examiner Name	Reimers	
Attorney Docket Number	DEP5169USNP	

1. Submission required under 37 C.F.R. § 1.114  a.	This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTC/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50992 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.					
i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (any unentered amendment(s) referred to above will be entered).  ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consider the Appeal Brief or Reply Brief previously filed on iii. Consideration to the Appeal Brief or Reply Brief previously filed on iii. Consideration the Appeal Brief or Reply Brief previously filed on iii. Consideration the Appeal Brief or Reply Brief previously filed on the Appeal Brief or Reply Brief previously filed on the Appeal Brief or Reply Brief previously filed on the Appeal Brief or Reply Brief previously filed on the Appeal Brief or Reply Brief previously filed on the Appeal Brief or Reply Brief previously filed on the Appeal Brief or Reply Brief previou	<ol> <li>Submission requ</li> </ol>	ired under 37 C.F.R. § 1.114				
(any unentered amendment(s) referred to above will be entered).  ii.						
iii.	i. 🗀 C					
iii.	I ii. □ c					
b. Amendment/Reply ii. Affidavit(s)/Declaration(s) iiii. Information Disclosure Statement (IDS) iv. Other  2. Miscellaneous a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.) b. Other  3. Fees - The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 10-0750. i. RCE fee is required under 37 C.F.R. § 1.17(e) ii. Extension of Time (37 C.F.R. §§ 1.136 and 1.17) iii. Other b. Check in the amount of \$enclosed c. Payment by credit card (Form PTO-2038 enclosed)  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED  Name (print/type) Thomas M. DiMauro Registration No. 35,490  Signature Date 6.24-05  ERTIFICATE OF MAILING OR TRANSMISSION  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:  Name (print/type) Amy Schick	_		,,,			
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iii. Information Disclosure Statement (IDS) iv. Other  2. Miscellaneous a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.) b. Other  3. Fees - The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 10-0750. i. RCE fee is required under 37 C.F.R. § 1.17(e) ii. Extension of Time (37 C.F.R. §§ 1.136 and 1.17) iii. Other b. Check in the amount of \$						
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iii. Other b. Check in the amount of \$enclosed c. Payment by credit card (Form PTO-2038 enclosed)  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED  Name (print/type) Thomas M. DiMauro Registration No. 35,490  Signature Date 6.27-07  CERTIFICATE OF MAILING OR TRANSMISSION  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:  Name (print/type) Amy Schick						
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the U.S. Patent and Trademark Office on:  Name (print/type) Amy Schick						
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	Signature	Amy Schick	Date 18 OK			

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:

Moumeme

Group Art Unit:

(name of Registered Representative)

3732

Serial No.:

10/681,473

Examiner:

Reimers, Annette

Filed:

October 8, 2003

Title:

Intervertebral Motion Disc Having Articulation and Shock Absorption

## CERTIFICATE OF MAILING

I, Amy Schick, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on July 8 .2005.

Amy School	(signature) <
Amy Schook	
July 8, 2005	(date)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Thomas M. DiMauro

## REQUEST FOR CONTINUED EXAMINATION

Sir:

In response to the advisory action of June 21, 2005, Applicants respectfully request continued examination (RCE), and reconsideration of the above-captioned patent application in view of the following remarks:

Amendments to the Claims are reflected in the listing of the claims which begins at page 2 of this paper.

Remarks begin at page 7 of this paper.